

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**JASON MCLEAN and  
BRIAN COLEMAN,**

**Plaintiffs,**

**v.**

**COMMUNICATIONS CONSTRUCTION  
GROUP, LLC,**

**Defendant.**

**CIVIL ACTION NO. 06-617 (SLR)**

**DEFENDANT'S MOTION TO WITHDRAW  
DEFENDANT'S MOTION TO COMPEL DOCUMENTS AND  
MOTION TO EXTEND THE DEADLINE FOR SUMMARY JUDGMENT**

Defendant Communications Construction Group, LLC ("CCG"), by and through its undersigned counsel, hereby moves to withdraw Defendant's Motion to Compel Documents and Motion to Extend the Deadline for Summary Judgment and avers as follows:

1. On November 21, 2007, CCG filed a Motion to Compel Documents and Motion to Extend the Deadline for Summary Judgment (D.I. 36). CCG's motion sought the following documents:

a. W-2 forms, payroll check stubs, and other documents relating to income earned by Jason McLean during his employment with McLean Enterprises and CableNet Services;

b. Federal and/or state tax returns filed by Brian Coleman on behalf of himself and/or BC Underground Connection for 2005 and 2006;

c. W-2 forms, payroll check stubs, and other documents relating to income earned by Brian Coleman during his employment with BC Underground Connection and JT Enterprises;

d. Copies of medical records, medical bills, and any other documentation relating to Jason McLean's throat condition/tonsillitis condition which he identified during his deposition;

e. A police report identified by Jason McLean during his deposition which he stated he picked up from the police department before he went to the EEOC;

f. Jason McLean's signed verification stating that the Complaint was accurate;

g. A signed verification to Plaintiffs' Responses to Defendant's First Set of Interrogatories.

2. Plaintiffs filed an opposition to CCG's motion on November 26, 2007 (D.I. 37).

3. Despite opposing the motion, Plaintiffs have, with one exception, either produced all of the documents requested, or confirmed to CCG that there are no such responsive documents.

4. The only outstanding documents are medical records and medical bills relating to Jason McLean's throat condition/tonsillitis condition. However, counsel for Plaintiffs has confirmed that Jason McLean has requested these documents from third parties and that he is still awaiting their receipt.

5. The summary judgment deadline, November 28, 2007, has passed and the parties have submitted summary judgment motions.

6. In light of these subsequent developments, CCG's Motion to Compel Documents and Motion to Extend the Deadline for Summary Judgment is now moot.

WHEREFORE, Defendant Communications Construction Group, LLC hereby requests that this Court enter an Order withdrawing its Motion to Compel Documents and Motion to Extend the Deadline for Summary Judgment without prejudice.

Respectfully submitted,

/s/ Daniel M. Silver

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Communications Construction Group, LLC

Dated: December 6, 2007

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**ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2007, upon  
consideration of Defendant's Motion to Withdraw Defendant's Motion to Compel  
Documents and Motion to Extend the Deadline for Summary Judgment, is hereby  
ORDERED that said Motion (D.I. 36) is WITHDRAWN without prejudice.

BY THE COURT:

\_\_\_\_\_  
ROBINSON, J.

**CERTIFICATE OF SERVICE**

I, Daniel M. Silver, hereby certify that a true and correct copy of the foregoing Motion to Withdraw Defendant's Motion to Compel Documents and Motion to Extend the Deadline for Summary Judgment has been served via CM/ECF this 6th day of December 2007 upon the following:

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/s/ Daniel M. Silver

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